

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

BRIAN ANTHONY GILBERT,

Defendant

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CRIMINAL NO. PWG-20-374

CONSENT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

Comes now the United States of America, by and through its counsel, Robert K. Hur, the United States Attorney for the District of Maryland, and Leah B. Grossi, Assistant United States Attorney for said district, and with the consent of counsel for the Defendant, respectfully submits this Consent Motion to Exclude Time Under the Speedy Trial Act.

1. On November 2, 2020, a nine-count indictment was returned against the Defendant, Brian Anthony Gilbert, for Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), and Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B). ECF No. 1.

2. The Defendant's initial appearance on the indictment was held on November 16, 2020. ECF No. 5. At that time, the Defendant consented to detention and was ordered detained pending trial.

3. Since the Defendant's initial appearance, the Government has been preparing the first round of discovery and plans to produce that discovery to the Defendant's counsel within the next few days. In addition, the Defendant's counsel and the Government have communicated about scheduling an evidence review of the child pornography that the Defendant is charged with producing, distributing, and possessing.

4. The Speedy Trial Act provides that the trial of the Defendant shall commence within seventy days “from the filing date (and making public) of the information or indictment.” 18 U.S.C. § 3161(c)(1). However, pursuant to 18 U.S.C. § 3161(h)(7)(A), any delay resulting from a continuance is excluded for speedy trial purposes if based on a finding that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial.

5. The circumstances of this case require a continuance under the Speedy Trial Act. Since the charges in this case involve the production, distribution, and possession of child pornography, the parties have to coordinate a way for the Defendant’s counsel to review that child pornography with law enforcement and discuss it with her detained client. This case also involves statutory minimum penalties of fifteen-years for each of the alleged production counts.

6. On December 1, 2020, the Defendant filed a Consent Motion to Extend the Time to File Motions. ECF No. 12. In the Defendant’s motion, the Defendant asked for an extension to file his pre-trial motions until February 7, 2021 and stated that he will consent to tolling of the speedy trial clock until that time. *Id.* at 2.

WHEREFORE, with the consent of counsel for the Defendant, counsel for the Government requests that the Court exclude all time, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), between December 1, 2020 through February 7, 2021 under the Speedy Trial Act.

Respectfully submitted,

Robert K. Hur
United States Attorney
District of Maryland

By: /s
Leah B. Grossi
Assistant United States Attorney
United States Attorney's Office
District of Maryland

Jessica L. Urban
Trial Attorney
U.S. Department of Justice
Child Exploitation and Obscenity Section